

Price, Utah,

October 19, 1927

Mr. Geo. M. Bacon,
State Engineer,
Salt Lake City, Utah.

Dear Mr. Bacon:

In re Muddy District, an application to appropriate water No. 10147.

My attention was called to your letter of October 11 addressed to Isaac Allred, president of the Emery Canal & Reservoir Company. These people very much appreciate your position in this matter and feel that in every respect you will be fair to them and also to the other people.

With respect to the water during what is known as non-irrigation season, the following conditions prevail: In the winter time it has been necessary for the people of Emery to keep their canal as full as possible so that the same would freeze on top and not on the bottom. It has been their experience that when they have permitted the water to become low it would freeze on the bottom instead of on top and they could not get the water to their farms for any purposes. Then again in practically every field, the farmers have small bunches of stock which require water and during this period it is impossible for anyone to use the water for irrigation purposes. In the late fall or after the crops have been harvested, the farmers under the Emery Canal annually put in fall grain which needs a great deal of water and irrigating their alfalfa. They also irrigate so that they might plow their lands. The water during this period is greatly reduced and there is not sufficient at any time to supply the needs of the original users.

The rights of the Emery Canal & Reservoir Company were acquired during a very critical period. Most of the people went into that country and developed it under most adverse circumstances. Their ditch work, canals, etc. were constructed by them when they had

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not sufficient food to do this work on. They feel now that the rights granted them under the decree is what they are entitled to and is the amount of water that they have annually used. They do not wish to monopolize this stream or waste any water but they do feel that what rights they have acquired and maintained. ~~They~~ I believe that if there is a careful check of the records in your office that there is a protest on file which sets forth that there is no water in the Muddy creek to be appropriated. In other words, all of the waters in Muddy creek are appropriated and applied beneficially.

These people do not wish a law suit and would much prefer having a hearing before you. They believe it would be less expensive and more beneficial to most parties concerned. They further believe that your experience in handling and distributing of water and the allocating of same would be of greater service to the people under this creek than would a determination of Court who perhaps has not had the same experience. These people therefore request that you appoint a time for hearing and that the meeting be held in Emery County where the matter arises and that same be determined in your office without the expense of a court procedure.

We will very much appreciate an early reply to the matter herein stated.

Very truly yours,

B. W. Dalton